UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,789	04/09/1999	ALAN T. RUBERG	83000.1102:P	9041

7590   01/03/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _17 October 2002_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-35_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-35_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "a device manager configured to register one or

more of <u>said device services</u> with said remote device driver" in lines 7 – 8. There is

insufficient antecedent basis for this limitation in the claim. This is the second time the

claim is rejected under 35 USC § 112. In response to the July 17, 2002 office action,

the applicant amended claim 2. However, the applicant amended the limitation "which

of [said] one or more driver services" in lines 5 – 6, which is not the limitation the

examiner referred to. As best understood by the examiner, it appears the limitation in

lines 7 – 8 should read "a device manager configured to register one or more of <u>said</u>

<u>driver services</u> with said remote device driver."

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

No. 6,101,555 to Goshey.

As to claim 1, Goshey teaches (column 6, lines 17 – 59) a device service

(Windows Application 302, Fig. 3A) for requesting a device, a remote busy proxy

(ScanLan DLL 308, Fig. 3A), a remote device driver (WNASPI32.DLL 305 in computer

112b, Fig. 3A) coupled to a client device (121, 120, 118, Fig. 3A), and a device

manager (WNASPI32.DLL engine 305, in computer 112d, Fig. 3A). Goshey teaches

(column 8, lines 29 – 40) controlling communications (decision operation 412, it is

determined whether the ASPI request is for a local or a remote host adapter). Goshey

controls communication by determining if the request is remote or local and then routing

the request to the intended target.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2 – 4, 6 – 8, 12, 13, 15, 17 – 21, 25, 28 – 31, and 35 are rejected under

35 U.S.C. 103(a) as being unpatentable over Goshey in view of U.S. Patent No.

5,832,513 to Kennedy.

As to claim 13, Goshey teaches (column 6, lines 17 – 22 and 39 – 56) a device

manager (WNASPI32.DLL engine 305 in computer 112d, Fig. 3A) receiving a device

request (route request) from a driver service (Windows Application 302, Fig. 3A) and the

driver service communicating with a remote device (peripheral devices connected to a

remote computer) via remote device driver (WNASPI32.DLL 305 in computer 112b, Fig.

3A). As to registering the driver service with a remote device driver, Goshey teaches

(column 6, lines 53 – 60) the remote device driver (WNASPI32.DLL) transferring data

back to the driver service (Windows Application), but does not specify registering the

driver service with the remote device. Goshey suggests registering a driver service with

a remote device because he teaches (column 6, lines 53 – 60) the remote device driver

(WNASPI32.DLL) transferring data back to the driver service (Windows Application). In

order for the remote device driver to transfer data back to the driver service, there would

need to be a method of locating the driver service on the network. Therefore, the driver

service (Windows Application) would obviously be registered with the remote device

driver (WNASPI32.DLL) because the registration process associates device drivers with

driver services.

In addition, the Kennedy teaches associating device drivers and driver services

along with dispatch address and storing the information in a dispatch table (column 6,

lines 5 – 11).

It would have been obvious the driver service would be registered with a remote

device driver in order to create an association between the driver service and the

remote device driver and in order to allow the remote device driver to communicate data back to the driver service.

As to claim 25, this is product claim that corresponds to method claim 13; note the rejection of claim 13 above, which also meets this product claim.

As to claims 15, Goshey teaches (column 1, lines 44 – 49) the remote device driver (WNASPI32.DLL) communicating with a host adapter that is connected to the computer via a PCI bus and bus device driver (software drivers, column 11, lines 25 – 30).

As to claims 6, 17, and 28, Goshey teaches (column 4, lines 55 – 60) enforcing a device access policy (access level may be restricted based on custom privilege settings).

As to claims 7, 18, 19, and 29, Goshey as modified by Kennedy teaches (column 6, lines 53 – 60 of Goshey) the remote device driver (WNASPI32.DLL) transferring data back to the driver service (Windows Application) in response to a request from the driver service, and maintaining (column 6, lines 1 – 12 of Kennedy) an inventory (dispatch table) to associate devices with driver services.

As to claims 12, 20 and 30, Goshey teaches (column 5, lines 5 – 10) permitting and denying access (grant or deny use privileges) to devices based on a filter (access to peripheral devices may be custom modified).

As to claims 8, 21 and 31, Goshey teaches (column 5, lines 31 – 48) locating (interrogator 204, Fig. 2D) one or more devices on the network (determine what peripheral devices are connected to computers 112b and 112d).

As to claim 2, this is an apparatus claim that is a combination of method claims 13 and 18; note the rejections of claims 13 and 18 above, which also meets this apparatus claim.

As to claim 35, this is the same as claim 2 with the additional limitation of a first terminal and server comprising a processor, memory and computer readable program code. Goshey teaches a first terminal (112b, Fig. 3A) coupled to devices (121, 120, 118, Fig. 3A), server (112d, Fig. 3A) comprising driver service (Windows Application 302, Fig. 3A) and a device manager (WNASPI32.DLL engine 305 in computer 112d, Fig. 3A). Goshey also teaches the terminal and the server comprising a processor (Microprocessor 616, Fig. 6) and memory (RAM 620 and ROM 622, Fig. 6).

As to claim 3, Goshey teaches (column 6, lines 17 – 59) driver service and device manager are coupled across a network to the remote device driver. As to the driver service and device manager reside in a server domain, Goshey teaches (column 5, lines 13 – 20) each computer may act as both client and server (may be loaded with both Server and Client ScanLAN code).

As to claim 4, Goshey (column 6, lines 25 – 39) teaches a bus proxy (ScanLan DLL 308, Fig. 3A) coupling the driver service to the remote device driver. As to a bus device driver, see claim 15 above.

6.   Claims 5, 9 – 11, 14, 16, 22 – 24, 26, 27, and 32 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goshey and Kennedy in view of U.S. Patent No. 6,085,227 to Edlund.

As to claims 11, 14 and 26, Goshey teaches (column 6, lines 53 – 60) the remote device driver (WNASPI32.DLL) transferring data back to device manager (WNASPI32.DLL engine), but does not specify communicating configuration data.

However, Edlund teaches (column 4, lines 23 – 35) a remote device sending device configuration data (status information from the device).

It would have been obvious to apply sending configuration data as taught by Edlund to the invention of Goshey because it would provide updated information about the remote device.

As to claims 5, 16 and 27, Goshey does not teach a session manager and an authentication manager.

However, Edlund teaches (column 4, lines 50 – 67; column 5, lines 1 – 10) a session manager (session manager) and an authentication manager (user manager).

It would have been obvious to apply a session manager and an authentication manager as taught by Edlund to the invention of Goshey because it would allow multiple driver services from the same computer to access remote devices by creating a separate session for each driver service.

As to claims 22 – 24 and 32 – 34, Goshey does not teach notifying the driver service and the remote device driver of the loss of device in response to closing of a session.

However, Edlund teaches (column 6, lines 50 – 55 and 63 – 67; column 7, lines 1 – 10) notifying the driver service (block 316, notify users) and the remote device driver

(command processor 112, Fig. 1; block 318, Fig. 3) of loss of device in response to closing of a session (terminate user session).

It would have been obvious to apply notifying the driver service and the remote device driver of the loss of device due to closing of a session as taught by Edlund to the invention of Goshey because it would prevent attempts to access remote devices without proper authentication.

As to claim 9, this is an apparatus claim that is a combination of method claims 22 and 23; note the rejections of claims 22 and 23 above, which also meet this apparatus claim.

As to claim 10, this is an apparatus claim that corresponds to method claim 24; note the rejection of claim 24 above, which also meet this apparatus s claim.

Response to Arguments

7.   Applicant's arguments filed October 17, 2002 have been fully considered but they are not persuasive.

The applicant argues "...Goshey does not disclose or suggest that the requesting computer's WNASPI32.DLL engine controls communication between Windows Application and the target computer's WNASPI32.DLL engine" (p. 5, lines 5 – 8). The examiner respectfully disagrees because Goshey teaches (column 8, lines 29 – 40) controlling communications (decision operation 412, it is determined whether the ASPI request is for a local or a remote host adapter). Goshey controls communication by determining if the request is remote or local and then routing the request to the intended target.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., approving requests to read or send data to remote devices, controlling accessibility to the remote devices or brokering devices to requesting computer; applicant's response, p. 5, lines 1 – 3 and 9 – 27) are not recited in the rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant argues "…the Examiner admits that Goshey does not disclose or suggest registering a driver service with a remote device" (p. 6, lines 6 – 7; p. 7, lines 1 – 11). The examiner respectfully disagrees because the examiner admitted that Goshey does not specify teach registering a driver service with a remote device; however, Goshey suggests registering a driver service with a remote device because he teaches (column 6, lines 53 – 60) the remote device driver (WNASPI32.DLL) transferring data back to the driver service (Windows Application). In order for the remote device driver to transfer data back to the driver service, there would need to be a method of locating the driver service on the network. Therefore, the driver service (Windows Application) would obviously be registered with the remote device driver (WNASPI32.DLL) because the registration process associates device drivers with driver services. In addition, the Kennedy reference was used to provide the teaching of associating device drivers and driver services along with dispatch address and storing the information in a dispatch table (column 6, lines 5 – 11). The Kennedy reference

teaches the association between device drivers and driver services, but it was probably

not necessary since Goshey suggests registering a driver service with a remote device.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406.

The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

The fax phone numbers for the organization where this application or proceeding

is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Li B. Zhen
Examiner
Art Unit 2126

lbz
December 27, 2002

ALLEN OBERLEY
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